



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Astronautics Corporation of America--Request for
 Reconsideration
File: B-229854.2; B-229856.2; B-229857.2; B-229858.2
Date: April 20, 1988

DIGEST

Untimely protest that raises issue which has been the subject of previous decisions will not be considered under the significant issue exception to the General Accounting Office timeliness requirements.

DECISION

Astronautics Corporation of America requests that we reconsider that part of our decision, Astronautics Corp. of America, B-229812 et al., Mar. 25, 1988, 88-1 CPD ¶ _____, dismissing as untimely protests against the issuance of four solicitations for spare parts for Standard Remote Terminals by the U.S. Army Communication - Electronics Command. The protester had argued that the agency should instead have placed an order against its allegedly mandatory requirements contract, and had requested that these solicitations be canceled. We held that the protests against these solicitations were untimely because they concerned solicitations synopsized in the Commerce Business Daily and whose closing date had passed prior to filing of the protests. See 4 C.F.R. § 21.2(a)(1) and (a)(2) (1987).

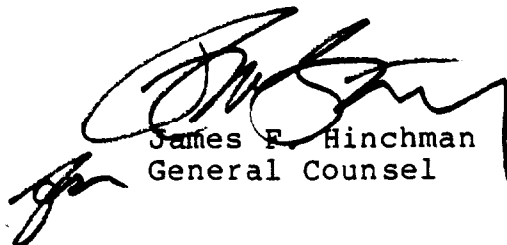
Astronautics' sole argument for reconsideration is that our Office should have considered its protests under section 21.2(c) of our Bid Protest Regulations, which sets out an exception to our timeliness rules for issues that are significant to the procurement system.

In order to prevent the timeliness requirements from becoming meaningless, the significant issue exception is strictly construed and seldom used. Use of the exception is limited to protests that raise issues of widespread interest to the procurement community and which have not been

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considered on the merits in a previous decision. AAR Brooks & Perkins, Advanced Structures Division--Reconsideration, B-228144.2, Oct. 1, 1987, 67 Comp. Gen. _____, 87-2 CPD ¶ 320. Here, the issue raised by Astronautics, under what circumstances the government may legitimately go outside a requirements contracts to procure its needs, has been addressed previously and comprehensively by our Office. See, e.g., Professional Carpet Service, B-221808, Apr. 23, 1986, 86-1 CPD ¶ 399; Hausmann Industries, Inc., B-226719, June 19, 1987, 87-1 CPD ¶ 614. MICA, Inc., B-200735, June 22, 1981, 81-1 CPD ¶ 513.

We affirm the decision.



James F. Hinchman
General Counsel